



ΑΑΔΕ

Ανεξάρτητη Αρχή
Δημοσίων Εσόδων

ΥΠΗΡΕΤΟΥΜΕ ΠΙΣΤΑ
ΔΗΜΟΣΙΟ ΣΥΜΦΕΡΟΝ
ΚΟΙΝΩΝΙΚΟ ΣΥΝΟΛΟ

FAQs about the issuance of a proof of awareness / debt certificate

ATHENS, NOVEMBER 8, 2024

1. Q **Can I get a digital proof of awareness through the myAADE digital portal if my only outstanding debt is a small overdue debt?**

A If your total overdue* debts do not exceed thirty (30) euros and the other granting conditions are met (the required declarations have been submitted, there is no granting block), you can receive proof of awareness for:

- Any lawful use except collection and transfer of real estate.
- Collection of money from public sector bodies other than the Central Administration.
- Collection of money from Central Administration bodies (with withholding, as long as the ex officio netting conditions are met, otherwise without withholding).
- Transfer of real estate or creation of a real right over it for compelling reason with a price.
- Transfer of real estate or creation of a real right over it without price.

*Overdue debts are debts confirmed in your TIN, any debts from inheritance or business succession, any income tax debts of yours that have been confirmed in your spouse's TIN as well as debts which you are obligated to pay in accordance with the applicable provisions.

2. Q **Can I get a digital proof of awareness through the myAADE digital portal if my only outstanding debt is that I have overdue settled debts (over thirty euros) and my settlement is up to date?**

A As long as the other conditions for granting a proof of awareness are met, i.e. the required declarations have been submitted and there is no granting block, you can obtain a proof of awareness online for:

- Any lawful use except collection and transfer of real estate.
- Collection of money from public sector bodies other than the Central Administration (with withholding on the collection amount).
- Collection of money from Central Administration bodies (with withholding on the collection amount).
- Transfer of real estate or creation of a real right over it due to compelling reason for a price (with withholding on the price).

As an exception, **no digital proof of awareness is issued** in the following cases of debt settlement:

- i. debts, confirmed in your TIN and/or your debts from inheritance or business succession and/or debts confirmed in the TIN under liquidation of a Legal Person (L.P.) for which you are jointly and severally liable, **which have been included in the out-of-court debt settlement mechanism** of Law 4738/2020,
- ii. debts, individual and/or from joint liability, **which have been included in the out-of-court** debt settlement mechanism of Law 4469/2017,
- iii. debts, individual and/or from joint liability, **which have been included in a**

temporary or final judicial arrangement of debts according to Law 3869/2010,

- iv. debts, individual and/or from joint liability, **which have been included in an arrangement that is not supported** by IAPR's information systems (e.g. based on a court-validated debt settlement agreement according to the previous law).

3. Q Can I get a digital proof of awareness through the myAADE digital portal if my only outstanding debt is that I have non-overdue debts?

A As long as the other conditions for granting a proof of awareness are met, i.e. the required declarations have been submitted and there is no granting block, you can obtain a proof of awareness, online, for:

- Any lawful use except collection and transfer of real estate.
- Collection of money from public sector bodies other than the Central Administration.
- Collection of money from Central Administration bodies, with withholding, as long as the ex officio set-off conditions are met (otherwise without withholding).
- Transfer of real estate or establishment of a real right over it (due to compelling reason with **or** without price), in the event that the total non-due individual debts are up to ten thousand (10,000) euros per natural person or fifty thousand (50,000) euros per legal person and in the event that they are greater than these limits, their amount does not exceed one hundred and twenty percent (120%) of the largest, during the last three years before the year of submission of the application for the proof of awareness issuance, sum of the amount of basic individual debts that have been confirmed annually at the expense of the applicant.
- Transfer of real estate or establishment of a real right over it (due to compelling reason with **or** without price), in the event that the total non-due debts that have been asserted at the expense of other persons and for which the applicant for the proof is responsible for their payment, do not exceed the above limits and in the event that they are greater than these limits, their amount does not exceed one hundred and twenty percent (120%) of the largest, during the last three years prior to the year of submission of the application for the proof of awareness issuance, sum of the amount of basic individual debts that have been confirmed annually at the expense of the first debtor.

4. Q I am a Natural Person. Can I get a digital proof of awareness through the myAADE digital portal if my only outstanding debt is that I have not filed income tax returns in the last five years as I was not liable?

A As long as the other conditions for granting a proof of awareness are met, i.e. the required declarations have been submitted, there is no granting block and there

was no obligation to submit an income tax return, you can receive the digital proof of awareness if you select the Solemn Declaration field, which states that:

"In my personal responsibility and knowing the sanctions set in the provisions of par. 6 of article 22 of Law 1599/1986, I declare that I am not obliged to submit a tax return for the tax years: ..."

5. **Q** **Can I get a digital proof of awareness through the myAADE digital portal if my only outstanding debt is that I have overdue debts under fifty thousand (50,000) euros that are under collection suspension?**

A If your overdue non-regulated debts are below fifty thousand (50,000) euros and are subject to collection suspension (by law or by Ministerial Decision) and the other conditions for granting proof of awareness are met (i.e. the required declarations have been submitted, there is no granting block), you can receive proof of awareness for:

- Any legal use other than collection and transfer of property.
- Collection of money from public sector bodies other than the Central Administration (without withholding).
- Collection of money from Central Administration bodies, with withholding if the conditions for ex officio set-off are met (otherwise without withholding).
- A transfer of real property or the establishment of a real right on it due to compelling reason for a price, provided that a withholding is made that pays off all of your past due debts that are in suspension of collection.

As an exception, **no digital proof of awareness is issued** if the suspension of collection is valid by virtue of a court decision or a temporary order or decision of an administrative body.

6. **Q** **Can I get a digital proof of awareness through the myAADE digital portal if my only outstanding debt is that I have overdue debts over fifty thousand (50,000) euros suspended for collection?**

- A** If your overdue non-regulated debts, which are suspended collection (by Law or by Ministerial Decision), are over fifty thousand (50,000) euros and the other conditions for granting information are met (the required declarations have been submitted, there is no granting block), you can get a digital proof of awareness for:
- Any lawful use except collection and transfer of real estate.
 - Collection of money from public sector bodies other than the Central Administration, as long as you choose to withhold the entire amount collected and up to the amount of your total debts.
 - Collection of money from Central Administration bodies, as long as you do not withhold compulsorily due to the provisions on set-off, choose to withhold the entire amount collected and up to the amount of your total debts.
 - Transfer of real property or establishment of a real property right thereon due to compelling reason for a price, provided that the withholding (either mandatory or at the option of the applicant to withhold the entire price), pays off all your overdue debts that are in suspension of collection.

As an exception, **no digital proof of awareness is issued** if the suspension of collection is valid by virtue of a court decision or a temporary order or decision of an administrative body.

7. Q I am a trader with overdue debts that have been included in arrangements, which I am aware of, and I want to collect money from a public sector body other than Central Government. What will be the withholding?

- A** To determine the withholding rate, the following are taken into account:
- The progress in repayment of the settlement, where a fixed withholding rate of 10% to 70% is calculated on the amount collected and up to the amount of the settled arrears.
 - The above withholding rates may be increased:
 - a) by 10% depending on the relationship of the balance of the debt to the average annual income of the last three years, which can be allocated for its repayment **or**,
 - b) by 15% if the audit results in the submission of zero VAT and Income Tax returns in the last two years.
 - The total withholding rate should correspond to the coverage of two (2) to four (4) installments of the observed settlement(s) following the date of submission of the request, depending on the number of installments remaining.

The final withholding to be applied will be the greater of the two aforementioned calculations (installment coverage percentage or amount).

8. Q I expect to collect other sums of money from the same institution in the future (e.g. I have signed a contract with this institution). Can I get a digital proof of awareness to collect money with reduced withholding if my only

outstanding debt is that I have settled arrears that I am aware of?

A If you expect to collect other sums of money from the same institution in the future, then you can, by filling in the necessary fields in the "Existence of a periodic claim" section, benefit from a smaller withholding on the collection amount, specifically:

- 10% on the collected amount, as long as the balance of the settled debt is up to twenty thousand (20,000) euros.
- 10% to 30% on the collected amount, as long as the balance of your settled debt is over twenty thousand (20,000) euros. In particular, the withholding amount must correspond to the amount required to cover one (1) installment of the observed settlement(s), following the request submission date and amounting to at least 10% of the collected amount, but not exceeding 30% of that.

The periodic nature of the claim is controlled by the institution that carries out the payment or redemption of the security.

9. Q I have settled arrears that I am aware of and I want to sell one of my properties. What will the withholding be?

A If the sale price is equal to or higher than the objective value of the property, the proof of awareness is issued with a fixed percentage of withholding of 70% on this price, and up to the amount of the settled overdue debts.

If the sale price is less than the objective value of the property, a deduction of 70% is first calculated on this price and if the amount of the deduction does not cover the total of the settled overdue debts, a deduction of 70% is calculated on the objective value of the property. The proof of awareness is issued if the amount of withholding resulting from the calculation of 70% of the objective value of the property does not exceed the sale price.

10. Q I have overdue debts of more than fifty thousand (50,000) euros that are suspended and I want to sell a property. What will be the withholding on the digital proof of awareness?

- A** As long as the sale price is equal to or higher than the objective value of the property, the proof of awareness is issued with a fixed percentage of 50% withholding on the price, and up to the amount of overdue debt under collection suspension (by Law or by Ministerial Decision).
If the sale price is less than the objective value of the property, a 50% withholding is first calculated on the price and, if the amount of the withholding does not cover all the overdue debts in suspension of collection, a 50% withholding is calculated on the objective value of the property. The proof of awareness is issued if the amount of withholding resulting from the calculation of 50% on the objective value of the property does not exceed the price.
The proof of awareness is issued digitally, as long as this withholding covers all overdue debts suspended for collection.
Alternatively, you can choose to withhold the entire price and up to the amount of your debts, provided that the sale price covers all overdue debts suspended for collection.

- 11. Q** **I have total overdue debts of more than thirty (30) euros, not settled in a legal way (which are not subject to settlement or collection suspension). How can I proceed with the sale of my property if no proof of awareness is issued?**
- A** In this case, as long as the other conditions of the proof of awareness are met (the required declarations have been submitted, there is no granting block), the granting of the digital debt certificate is considered, which is issued instead of the proof of awareness in order to carry out the deed of property transfer.
- 12. Q** **Can I get a digital debt collection certificate if I have total unsettled overdue debts of more than thirty (30) euros that are not under collection suspension?**
- A** As long as there are unsettled overdue debts of more than thirty (30) euros which are not under collection suspension, you can obtain a digital Debt Certificate for money collection through the myAADE digital portal, regardless of whether the required declarations have been submitted and regardless of the existence of commitment to issue a proof of awareness.
- 13. Q** **Who can apply for a digital debt certificate?**
- A** The application can be submitted by:
- the beneficiary of the payment or transferor of the property or right in rem,
 - the agency or entity that carries out the liquidation or payment to the debtor, for the collection of which proof of awareness is required,
 - the notary who carries out the transfer of real estate or the creation of the right in rem.
- 14. Q** **What debts are listed on the Debt Certificate?**

- A** a) For natural persons, the set of confirmed (overdue and non-overdue) individual debts as well as confirmed co-obligation and co-liability debts for which the natural person is liable for their payment, in accordance with the applicable provisions, plus any corresponding co-payments.
b) For legal persons or legal entities as well as for property groups, their total confirmed debts (overdue and non-overdue) as well as debts confirmed against other persons for which they are liable for payment in accordance with the applicable provisions, are listed, plus any corresponding co-payments.

15. Q I have overdue debts that are in suspension of collection. When are these listed on the Debt Certificate?

- A** a) In the event that the debt certificate is issued for the collection of money, the certified debts which are suspended for collection are also indicated in each case.
b) In the event that the debt certificate is issued for the transfer of a property or the creation of a real right over it due to compelling reason with a price, the total certified debts subject to suspension of collection (regardless of whether they have been subject to a partial payment arrangement) are listed only if they are overdue and the amount of their principal debt exceeds fifty thousand (50,000) euros, otherwise they are only indicated if requested by the debtor in his application.

16. Q I have outstanding debts from the refund of the refundable advance payment aid. When are these listed on the Debt Certificate?

- A** In any case, the non-overdue debts resulting from the return of the refundable advance payment aid are indicated on the Debt Certificate, only if requested by the debtor in his application.